THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.5375 OF 2001

DATED: 11-12-2006

Between:

M/s Manikanta Rice and Flour Mill, Naragayapalem, Vinukonda Mandal, Guntur District represented by its Proprietor P. Balakoti Reddy

.. Petitioner

and

The Guntur District Co-operative Central Bank Limited represented by its General Manager and others

.. Respondents

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W.P.NO.5375 OF 2001

Order:

The only grievance of the petitioner is that the respondents are proposing to auction the property of the petitioner-rice mill along with the property of other sureties without furnishing any statement of account to the petitioner to enable it to clear the debts.

It appears the petitioner-rice mill submitted a request to the 4th respondent for grant of loan to construct a rice-cum- flour mill at Naragayapalem village of Vinukonda Mandal, Guntur District. Pursuant to its request, an amount of Rs.4,00,000/- (Rupees four lakhs only) was granted for construction of rice-cum-flour mill. Due to some personal problems of its proprietor, the amount could not be paid in regular intervals. Therefore, the respondents have obtained a certificate under Section 71 of the A.P. Co-operative Societies Act, 1964 and proceeding with the impugned auction.

While admitting the writ petition, this Court granted an interim direction directing the petitioner to deposit 50% of the amount due within a period of one week from the date of receipt of a copy of the said order and the balance of 50% together with interest thereon, within a period of 30 days thereafter. It appears the said order has not been complied with. Though the matter was adjourned twice, there was no information from the learned counsel for the petitioner.

In view of the above, as the petitioner failed to comply with the order of this Court, the interim order got itself vacated automatically. Further, it was made clear that the respondents are at liberty to auction the properties forthwith without further notice or opportunity to the petitioner.

In view of the above, I am of the opinion that the cause in this writ petition does not survive for further adjudication and the same shall stand dismissed as in-fructuous.

The writ petition is accordingly dismissed as in-fructuous. No order as to costs.

C.V. RAMULU, J

11-12-2006.

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